

REMARKS/ARGUMENTS

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Claims 1 – 6 have previously been cancelled.

Claims 7 – 12 remain in this RCE Application and Claims 7 and 8 have been amended.

Claim 13 – New.

ARGUMENTS FOR ALLOWABILITY OF CLAIMS 7 – 13:

1. The following argument is based on the five statutory classes into which patents are grouped (i.e., “new and useful process, machine, manufacture, composition of matter, and new and useful improvements thereof” per the Examiner). As previously indicated in notes and discussions with the Examiner and Supervisor, the Applicant believes that the primary emphasis for patentability should be on the claims method classifications “new and useful (process) or (improvement thereof)”, as applied to an “(article of) manufacture” as listed above. The Applicant’s dependent Claims are now based on the “manufacture” (or “article of manufacture”) category. A recent press release indicated that the U. S. Supreme Court will be taking on the case/issue of “business methods” patents (e.g., a “process” class). The Applicant believes that his patent application now correctly falls into the proper two classes and thus the issuance of a patent should not be delayed due to a pending Supreme Court case regarding “business methods.” The “new and useful improvement thereof” category

should not apply to this application as currently structured since there is no prior art (in particular, use of fractional deeds or titles to protect homes against loss of value) that reads to this invention prior to the Applicants submissions (starting with a Provisional Application, dated 1/2003).

2. This Applicant believes that any business method or process ultimately should refer to an end product, as defined by categories 2 -4 in Item #1 above. Therefore, the Applicant believes that the claims, as currently presented in this submission, should be placed in a "condition of allowance".

3. As a practical matter, the Examiner is no doubt aware that the country is in the midst of a housing crisis, and the United States government is working to find a solution to fix the problems that led to this crisis. The Applicant believes that his invention, currently being examined by the USPTO, may provide a solution to prevent a future recurrence of this crisis, and therefore believes that a patent should be issued. Since the U. S. government has free and unlimited use of all patented inventions, there is no incremental direct cost for the U. S. government to utilize this applicant's product, and therefore cannot be a monetary barrier to issuance of a patent. Most importantly, if the patent is denied, and the invention is subsequently practiced, that would send the wrong signal to independent inventors regarding the value of the patent system. If a patent is issued and there are aggrieved parties, they can enter proceedings to try and invalidate the patent, and the U. S. court system can

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fairly adjudicate the issues. This approach would insure the continued integrity of the USPTO patent system.

Therefore, this Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

By Neil C. Schoen (Dr. Neil C. Schoen)

Customer #: 000064260

Telephone: (301) 330 - 5484

/Neil C. Schoen/

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